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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,425	06/18/2007	Bruno Egner-Walter	17102/032001	7024

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EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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3727

NOTIFICATION DATE	DELIVERY MODE
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04/01/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/590,425	Applicant(s) EGNER-WALTER ET AL.	
	Examiner Gary K. Graham	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,8-19 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8-19 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060823</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the figure 2 species in the reply filed on 14 January 2011 is acknowledged.

Specification

The disclosure is objected to because of the following informalities: Reference to the claims from the specification appears improper (ex. page 1, lines 2, 3, 20; page 2, line 2). The written description should not look to the claims to define the invention. Further, the claims applicant references are not yet patent claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-6, 8-19 and 25-30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, line 1, setting forth that the wiper system is “particularly for...” leads to confusion as to whether the at least three connections are required or not, especially when line 4 appears to require at least one of such connections by way of “the fixings”. In line 4, there is no antecedent basis for “the fixings”. Further, it is unclear whether such fixings are part of the wiper system or part of the motor vehicle. Such leads to confusion as to exactly what structure is being claimed in claim 1. In line 8, there is no antecedent basis for “the area”.

In claim 2, line 2, use of “groove-like” appears indefinite since it is not clear exactly what structure is considered “like” a groove.

In claim 5, line 3, there is no antecedent basis for “the locking area”.

In claim 9, line 3, there is no antecedent basis for “the at least one locking area”. In line 4, there is no antecedent basis for “contact surfaces”.

In claim 10, line 3, use of “flange-like” appears indefinite since it is not clear exactly what structure is considered “like” a flange.

In claim 14, line 2, there is no antecedent basis for “the fixing elements”.

In claim 15, line 2, there is no antecedent basis for “the fixing elements”. Additionally, defining that the fixing elements are now arranged on the bodywork side and the openings on the wiper system appears improper. Claim 1 has already set forth the wiper system as having the grommet for insertion into the attachment or fixing hole. It appears indefinite to attempt to reverse this construction.

In claim 16, line 2, there is no antecedent basis for “the volume”, both occurrences.

In claim 17, lines 4-5, it appears the grommet is being defined as designed for engagement with at least one projection when such projection is part of the grommet. Such appears improper.

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In claim 25, lines 2-3, there is no antecedent basis for “the at least one locking area”. In line 3, there is no antecedent basis for “contact surfaces”. In line 4, there is no antecedent basis for “the grommet side”.

In claim 26, line 2, use of “flange-like” appears indefinite since it is not clear exactly what structure is considered like a flange.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 5-6, 8-19 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al (US patent application publication 2004/0021335) in view of Mitomi (US patent 4,675,937).

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The publication to Schmid discloses the invention substantially as is claimed. Schmid discloses a windscreen wiper system (10,fig.1) for motor vehicles and includes three screw-free connections (29). The connections include elastic grommets (38) provided on pegs (32,34,36) on the wiper system for insertion into fixing holes (54,56,58) on the vehicle bodywork. Bolts (40) act to secure the grommets to the pegs.

The publication to Schmid discloses all of the above recited subject matter with the exception of the grommet including a cavity arranged radially inwardly opposite a projection thereon which engages the fixing holes.

The patent to Mitomi discloses attachment of a component (B) to a vehicle body (A). The attachment includes a grommet (1) used to connect a peg (b) of the component (B) to a hole (a) within the vehicle body (A). The grommet includes projections (3,4) acting as catches for engagement with the vehicle body. The projections define contact surfaces for engagement with or gripping surfaces on each side of the fixing hole (a). Such contact surfaces are spaced no more than equal to an axial distance between the surfaces on the fixing hole (see fig.7). The grommet further includes a cavities disposed radially inwardly with respect to the projections. One cavity is defined under the projection (3) and between the projection (3) and an outer wall of the grommet. Another cavity (5) is defined between the outer wall of the grommet and the inner wall (6) of the grommet. The cavity (5) is arranged radially inwardly of both projections (3,4). A locking plate (11) is provided in the grommet and enables tool free attachment for locking the peg of the component with the grommet and thus the vehicle. The peg (b) includes "back cuts" thereon to define a stepped taper area (fig.7).

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It would have been obvious to one of skill in the art to employ or substitute a peg and grommet as suggested by Mitomi for the peg/grommet attachments in the wiper system of Schmid to eliminate the need for bolts to secure the grommets with the pegs. Such would enable simplified assembly by providing for tool free assembly of the grommets with the pegs.

With respect to claims 2 and 18, the cavities of Mitomi are considered to be “groove-like” cutouts, at least as far as defined.

With respect to claims 3 and 19, the cavity under the projection (3) is open towards the circumference of the grommet (see fig.1).

With respect to claim 6, projection (3) appears as circular-shaped.

With respect to claims 10 and 26, the outer wall of the grommet set forth by Mitomi is considered a flange-like grommet section which defines the further contact surface on the projections (4).

With respect to claims 13 and 29, the stepped taper of the peg set forth by Mitomi is considered as a groove in the peg which accepts the grommet.

With respect to claims 16 and 30, at least the volume of cavity (5) is at least equal to the volume of the projections (3,4). See figure 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gary K Graham/
Primary Examiner, Art Unit 3727

GKG
28 March 2011